

AMENDED IN ASSEMBLY APRIL 28, 2005

AMENDED IN ASSEMBLY APRIL 18, 2005

AMENDED IN ASSEMBLY APRIL 12, 2005

AMENDED IN ASSEMBLY MARCH 29, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

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**ASSEMBLY BILL**

**No. 1077**

**Introduced by Assembly Member Chan**

February 22, 2005

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An act to add Section 49452.7 to the Education Code, relating to pupil health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1077, as amended, Chan. Pupil health.

Existing law requires the governing board of any school district to make rules for the physical examination of pupils that will ensure proper care of the pupils and proper secrecy with regard to any defect noted. Existing law allows the parent or guardian having control or charge of any child enrolled in the public schools to file annually a statement in writing, signed by the parent or guardian, that he or she will not consent to an examination of his or her child. Existing law exempts a child from physical examinations once such a statement is filed with the principal.

This bill would require pupils enrolled in a public school to present proof of having received, while in kindergarten, grade 2, and grade 6, an oral health assessment by a licensed dentist or other licensed or registered dental health professional before ~~May~~ January 15 of the respective school year. *This bill would require public schools to send a notification to the parents or guardians of pupils enrolled in*

*kindergarten, grade 2, and grade 6 of the assessment requirement, as specified, including a standardized form which can be used for an assessment or on which a parent or guardian can indicate one of several specified reasons why an assessment cannot be completed.* This bill would allow a school to withhold a pupil's report card if he or she fails to ~~present proof of an assessment~~ *submit a completed form to his or her school* by the specified date ~~until one of several specified conditions occurs, including, among others, the filing of a written statement by the parent or guardian of a pupil that he or she does not want his or her child to receive an assessment.~~ This bill would require all public schools, after receiving completed assessments, and by June 30 of each year, to send a report, as specified, to the public health department of the county in which the school is located.

By requiring public schools to perform additional duties, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Oral health is integral to overall health.
- 4 (b) Tooth decay is the most common chronic childhood
- 5 disease, experienced by more than two-thirds of California's
- 6 children and five times more common than asthma.
- 7 (c) California's schoolchildren, ages 6 to 8, inclusive,
- 8 experience oral disease at twice the rate of schoolchildren in
- 9 other states.
- 10 (d) Oral diseases are infectious, are not self-limiting,
- 11 contribute to many lost school hours, negatively impact learning,

1 interfere with eating, contribute to poor self-esteem, and can  
2 cause considerable pain.

3 (e) Tooth decay is preventable.

4 SEC. 2. Section 49452.7 is added to the Education Code, to  
5 read:

6 49452.7. (a) A pupil attending a public school shall present  
7 proof of having received, while in kindergarten, grade 2, and  
8 grade 6, an oral health assessment by a licensed dentist or other  
9 licensed or registered dental health professional operating within  
10 his or her scope of practice before ~~May~~ *January* 15 of each  
11 school year.

12 ~~(b) If a pupil fails to present proof of an assessment by May 15~~  
13 ~~of each respective school year, the school may withhold his or~~  
14 ~~her report card until one of the following occurs:~~

15 ~~(1) Proof of a completed assessment for the pupil is presented~~  
16 ~~to the school.~~

17 ~~(2) The parent or guardian of the pupil provides a written~~  
18 ~~statement that he or she cannot obtain an assessment because of~~  
19 ~~undue financial burden or lack of access to a licensed dentist or~~  
20 ~~other licensed or registered dental health professional.~~

21 ~~(3) The parent or guardian of the pupil provides a written~~  
22 ~~statement to the school that he or she does not want his or her~~  
23 ~~child to receive an assessment.~~

24 ~~(e)–~~

25 (b) All public schools shall notify the parents or guardians of  
26 pupils enrolled in kindergarten, grade 2, and grade 6 concerning  
27 the assessment requirement at the ~~beginning of each school year.~~  
28 *same time during each school year that other school enrollment*  
29 *notifications and requirements for the subsequent school year*  
30 *are distributed to parents and guardians, but no later than the*  
31 *end of the spring semester preceding the designated school year.*  
32 *The notification shall, at a minimum, consist of a letter that*  
33 *includes all of the following:*

34 *(1) An explanation of the requirements of this section.*

35 *(2) Information on the importance of primary teeth.*

36 *(3) Information on the importance of oral health to overall*  
37 *health and to learning.*

38 *(4) A toll-free telephone number to request an application for*  
39 *Healthy Families, Medi-Cal, or other government subsidized*  
40 *health insurance programs.*

1     (5) Contact information for county public health departments.

2     (c) In order to ensure uniform data collection, the notification  
3 specified in subdivision (b) shall include a standardized form that  
4 includes all of the following:

5     (1) A section that can be used by the licensed dentist or other  
6 licensed or registered dental health professional performing the  
7 assessment to record information that is consistent with the  
8 information collected on the oral health assessment form  
9 developed by the Association of State and Territorial Dental  
10 Directors.

11     (2) A section in which the parent or guardian of a pupil can  
12 indicate the reason why an assessment could not be completed by  
13 marking the box next to the appropriate reason. The reasons for  
14 not completing an assessment shall include all of the following:

15     (A) Completion of an assessment poses an undue financial  
16 burden on the parent or guardian.

17     (B) Lack of access by the parent or guardian to a licensed  
18 dentist or other licensed or registered dental health professional.

19     (C) The parent or guardian does not consent to an assessment.

20     (d) If a pupil fails to submit the standardized form specified in  
21 subdivision (c), completed as specified in paragraphs (1) and (2)  
22 of subdivision (c), to his or her school by January 15 of the  
23 respective school year, the school district may withhold the  
24 report card for the pupil until the form is submitted to the  
25 school. ~~The notification shall include a standardized form,~~  
26 ~~consistent with an appropriate oral health assessment form~~  
27 ~~developed by the Association of State and Territorial Dental~~  
28 ~~Directors, that can be used by the licensed dentist or other~~  
29 ~~licensed or registered dental health professional performing the~~  
30 ~~assessment, in order to ensure uniform data collection.~~

31     ~~(d)~~

32     (e) Upon receiving completed assessments, all public schools  
33 shall, by June 30 of each year, submit a report to the public  
34 health department of the county in which the school is located.  
35 The report shall include all of the following:

36     (1) The total number of pupils in the school enrolled in  
37 kindergarten, grade 2, and grade 6.

38     (2) The total number of pupils described in paragraph (1) who  
39 present proof of an assessment.

1 (3) The total number of pupils described in paragraph (1) who  
2 could not complete an assessment due to financial burden.

3 (4) The total number of pupils described in paragraph (1) who  
4 could not complete an assessment due to lack of access to a  
5 licensed dentist or other licensed or registered dental health  
6 professional.

7 (5) The total number of pupils described in paragraph (1) who  
8 could not complete an assessment because their parents or  
9 guardians provided a written statement to the school that they did  
10 not want their child to receive an assessment.

11 ~~(e)~~—

12 (f) Nothing in this section shall be construed as prohibiting  
13 ~~county~~ any of the following:

14 (1) County public health departments from sharing aggregate  
15 data collected pursuant to this section with other government  
16 agencies, philanthropic organizations, or other nonprofit  
17 organizations for the purpose of data analysis.

18 (2) *Use of assessment data that is compliant with the federal*  
19 *Health Insurance Portability and Accountability Act of 1996*  
20 *(P.L. 104-191) for purposes of conducting research and analysis*  
21 *on the oral health status of public school pupils in California.*

22 SEC. 4. If the Commission on State Mandates determines that  
23 this act contains costs mandated by the state, reimbursement to  
24 local agencies and school districts for those costs shall be made  
25 pursuant to Part 7 (commencing with Section 17500) of Division  
26 4 of Title 2 of the Government Code.